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March 10, 1993

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BY HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: KHYI(FM), Howe, Texas
(FCC File No. BPH 900710MA)
Petition for Rulemaking

Dear Ms. Searcy:

Enclosed on behalf of Maple Communications Limited Partnership please find an original and five copies of a Petition for Rulemaking. Please note we are refileing the Petition for Rulemaking because the technical study was inadvertently omitted in the original Petition for Rulemaking.

If there are any further questions concerning this matter, please do not hesitate to call me at (202) 637-2226.
Thank you.

Sincerely,

Margaret M. Graves

Margaret M. Graves
of LATHAM & WATKINS

Enclosures

cc: Kevin Patrick McCauley (Public File)
Kevin C. Boyle, Esq.

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MAR 10 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

In the Matter of)
)
Amendment of Section)
73.202(b), Table of FM)
Allotments, Radio)
Broadcast Stations (Howe,)
Texas))

RM No. _____

PETITION FOR RULEMAKING

Maple Communications Limited Partnership ("Maple") petitions the Commission to initiate a rulemaking to amend the Table of Allotments for FM broadcast stations, section 73.202(b) of the Commission's Rules, to specify Channel 237C3 in lieu of Channel 237A at Howe, Texas for use by KHYI(FM). This Petition is submitted with the understanding that, in accordance with 47 C.F.R. 1.420(g)(3), Maple will not be subject to competing applications for the new allotment. If the Commission amends the Table of Allotments, Maple will promptly apply for a construction permit for and, upon the grant of that permit, will construct the facilities necessary to use the upgraded allotment.

Accordingly, Maple respectfully requests that the Table of Allotments be amended as follows:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Howe	237A	237C3

Respectfully submitted,

MAPLE COMMUNICATIONS LIMITED PARTNERSHIP

By: Margaret M. Graves
Kevin C. Boyle
Margaret M. Graves
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004
(202) 637-2200

Dated: March 10, 1993

Attachment

Engineering Statement in Re:
Feasibility of Class C3 Operation for KHYI(FM)
KHYI(FM) Channel 237A Howe, Texas
FCC File No. BPH-900710MA
Maple Communications Limited Partnership

Upon Penalty of Perjury, I, Richard L. Biby, state:

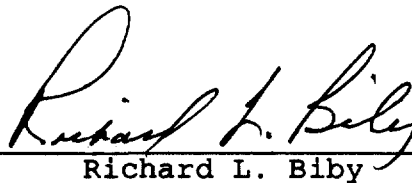
That I am registered as a Professional Engineer in the Commonwealth of Virginia and in the District of Columbia; and

That I have been engaged in the practice of engineering specializing in radio communications since 1961; and

That I am the owner of Richard L. Biby, Communications Engineering Services, P.C. in Falls Church, Virginia, at which place my staff and I provide engineering services to clients in the Broadcast and Radio Communications field; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission ("The FCC Rules"); and

That on the request of Maple Communications Limited Partnership, permittee of Channel 237A as allocated to Howe, Texas, I have determined that a site located at North Latitude 33° 23' 58", West Longitude 96° 35' 51" meets all spacing requirements set forth in Sections 73.207 and 73.208 of the FCC Rules for Class C3 operation of KHYI(FM). Attached as Exhibit E-1 is a tabulation illustrating compliance with these rules by listing the distance from the proposed site to pertinent facilities and allotments along with the separation distances required by the FCC Rules.



Richard L. Biby
Registered Professional Engineer
District of Columbia Reg. No. 5710E
Commonwealth of Virginia Reg. No. 014018

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 4 1993

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OFFICE OF THE SECRETARY

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Dated: March 4, 1993